

PATENT

Atty. Dkt. No. NVDA/P002649

REMARKS

This amendment is submitted in response to the Final Office Action dated August 10, 2006. In this Final Office Action, the Examiner considered claim 1 and 5-14. Claims 1 and 5-14 are rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter Applicant regards as the invention. The Examiner states that amended claim 1 does not clearly state that the IOC operates within an adaptive computing engine. The Examiner also states that it is unclear what elements, if any, are included in the adaptive computing engine or the IOC based on the preamble. Applicant has inserted limited amendments into claim 1 to clarify that the claimed device may reconfigure an input/output controller coupled via an interconnection network to a plurality of nodes in an adaptive computing engine. By virtue of the language included in the claim 1, it is apparent that the limitations recited in the introductory paragraph of claim 1, especially the inter-connection network, clearly limit the scope of the invention. This has been further clarified by the amendments now made without raising any new issue after final.

Claim 1 is rejected as anticipated by Wolrich (previously cited). Claims 1, 6 and 8-10 are rejected as unpatentable over Wolrich in view of Master (previously cited) or Nakaya (US 2001/0052793). Claim 5 is rejected as unpatentable over Wolrich in view of Master and further in view of Shukla (US 2002/0042875). Claim 7 is rejected as unpatentable over Wolrich in view of Master and further in view of Warren (US 6,675,284). Claim 11 is rejected under 35 U.S.C. § 103 as unpatentable over Wolrich in view of Master and further in view of Sam (US 2003/0074473). Finally, claims 13 and 14 are rejected under 35 U.S.C. § 103 as unpatentable over Wolrich in view of Master and further in view of Schunk (US 6,980,515). These rejections are respectfully traversed.

In citing Wolrich against claim 1, the Examiner concedes that the rejection based on Wolrich alone is only based on an assumption by the Examiner that none of the limitations in the introductory paragraph of claim 1 are to be considered. In view of the changes to claim 1 reciting the inter-connection network in paragraph 2 of the previous response and the additional changes being made now, a refusal to weigh the limitations

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in the first paragraph of claim 1 is clearly not proper, and this rejection should be withdrawn.

Claims 1, 6 and 8-10 are rejected as unpatentable over Wolrich in view of Master or Nakaya. The Examiner argues that Master has a publication date of September 26, 2002 and therefore qualifies as prior art under 35 U.S.C. § 102(a) and is not disqualified as prior art under 35 U.S.C. § 103(c).

In response, Applicant points out that the present application is now being amended at paragraph [02] to recite that the present application is a continuation-in-part of serial number 09/815,122, which is the Master reference, was originally incorporated by reference in the present application and they share a common inventor and common elements of disclosure. Therefore, the present application can be considered a continuation-in-part of the Master reference.

Further, Applicant hereby claims benefit of the provisional application 60/428,591. The support in the provisional application for the present application is readily apparent from the fact that figures 45-53 of the present application correspond to the figures at pages 38-47 of the provisional application. Figure 2 of the present application directly corresponds to page 14 of the provisional application, the instructions found at figures 3-44 of the pending application can be found at pages 18-34 of the provisional application, and the text on those pages of the provisional application now appear in large part at pages 9-19 of the present application. Therefore, the entitlement of the present application to the filing date of the provisional application, November 22, 2002, is clearly established. Since the filing date of the provisional application is only 2 months after the publication date of the Master '122 application (September 26, 2006), Master is disqualified as prior art.

Finally, the Examiner also relies on Nakaya '793. However, at Office Action section [14], especially the last three paragraphs thereof, the Examiner clearly states that Master teaches everything that Nakaya teaches relevant to the rejected claims. Since the Applicant is entitled to the benefit of the filing date of the Master application 09/815,122 (March 22, 2001) with respect to all teachings of Master relevant to the claims, and since Nakaya was not filed until June 14, 2001, Master clearly establishes on the record that the inventors herein were in possession of all relevant elements of

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the claimed invention prior to the earliest date to which Nakaya is entitled as prior art. Therefore, the Nakaya reference must also be withdrawn.

Finally, the Applicant has considered the other references cited by the Examiner against the remaining pending claims as well as the newly submitted dependent claims. None of the cited references make up for the deficiencies in the rejections once Master and Nakaya are disqualified as prior art. Therefore, reconsideration and allowance of all pending claims is respectfully requested.

Respectfully submitted,



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